

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-C-1348

APPROXIMATELY \$10,100.00  
IN UNITED STATES CURRENCY,

Defendant.

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**ORDER**

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On October 24, 2006, claimant Dan V. Sharp II filed a motion for an extension of time to respond to the plaintiff's request for production of documents, as well as a motion for assistance in the production of documents. Under Fed. R. Civ. P. 34(b) the claimant was to serve a response to the request within 30 days of service of the request. It is unclear when the original 30-day deadline for service of the response to the request for the production of documents expired.

However, given that the close of discovery is not until January, 31, 2007, this court will grant the claimant's motion for an extension of time. The claimant will be ordered to serve his response to the government's request for production of documents no later than November 30, 2006.

Furthermore, as noted above, the claimant has filed a motion for assistance in the production of documents. Fed. R. Civ. P. 34(a) provides, in pertinent part, as follows:

Any party may serve on any other party a request (1) to produce and permit the party making the request, or someone acting on the requestor's behalf, to inspect and copy, any designated documents . . . which are in the possession, custody or control of the party upon whom the request is served.

This court is not aware of any authority authorizing it to grant assistance to the claimant in recovering documents that he claims are not in his custody or control. Consequently, the claimant's motion for assistance in the production of documents will be denied.

**NOW THEREFORE IT IS ORDERED** that the claimant's motion for extension of time be and hereby is **GRANTED**;

**IT IS FURTHER ORDERED** that the claimant's motion for assistance in recovering documents be and hereby is **DENIED**.

**SO ORDERED** this 30th day of October 2006, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.  
WILLIAM E. CALLAHAN, JR.  
United States Magistrate Judge